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09/739,512	12/18/2000	Jaquelyn Annette Martino	US000363***	3118

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT

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2629

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/739,512
Filing Date: December 18, 2000
Appellant(s): MARTINO ET AL.

MAILED

APR 13 2007

Technology Center 2600

Terry W. Kramer

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 27, 2006 appealing from the Office action mailed 9/14/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 9/14/06 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,262,711

COHEN et al.

2-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. Claim 27 recites the limitation "said plurality of beads" in lines 1, 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,4 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al. (US 6,262,711).

Regarding claim 1, Cohen et al. discloses in figure 2, a user interface (40) comprising at least two physical objects (see interactors 34), each associated with a respective data set (object 34 and ID, see one or more interactors are engaged with a detection field, the detection field reads an identifier associated with the object and communicates the identifier to a computer system, see abstract) consisting of at least one datum (a plurality of ID, because Cohen et al. disclose one or more interactors 34 and each of them having own ID, then ID is a data and therefore, Cohen et al. disclose a plurality of data that is the same meaning of at least one datum because datum is plural of data, see fig. 2 and 11, see the interactors having own ID, see col. 14, lines 18-25 and see col. 13, lines 29-40) defining preferences of the user (at computer video system 30, see abstract, see col. 6, lines 1-11, fig. 2); a controller (interface 40) connected to a data store programmed (see step 104, see col. 8, lines 28-33) to perform an operation on said respective data sets (see figs 2, 11), the controller (interface 40) having a receiver (because when the interactors contact the surface which receive the signal from the channel 38); at least one

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transmitter (see the signal will transmit to the computer 28, fig. 2) operatively, a control signal (inside the cable 44) is transmitted to the receiver corresponding to an operation to be performed on at least one of the data sets and responsive to at least the other of the data sets, the controller (40) being programmed (see col. 8, lines 28-33) to perform the operation (see fig. 2 and 11).

Regarding claim 4, Cohen et al. disclose further comprising a console (fig. 2), the console housing the transmitter.

Allowable Subject Matter

4. Claims 6-11, 25-26 and 28 are allowed.

5. Claims 2-3, 5, 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a user interface, comprising: at least two physical objects, each associated with a respective data set consisting of at least one datum defining preferences of user; a controller connected to a data store and programmed to perform an operation on the respective data set, the controller having a receiver; at least one transmitter operatively associated with said at least two physical objects and responsive to a mechanical state of said at least two physical objects such that a control signal is transmitted to the receiver corresponding to an operation to be performed on at least one of the data sets. The closest prior art of Cohen et al. (US 6,262,711) show a similar invention, however, he fails to teach that wherein the at least two physical objects are tokens connected by a chain, a wire, string, or filament as claims 2, 20; or wherein said console has a display and at least one control switch, said control signal being

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responsive to data entered through said at least one control switch and an image of said display being responsive to said control switch as claim 5; or said controller being programmed such that a first mechanical configuration of one of said tokens effective to interface said one of said tokens with said console, results in the transmission of a command indicating a data exchange operation, involving said data set associated with another one of said tokens as claim 6; or wherein one of said two physical objects is a bead that has a visual characteristic that visually distinguishes said one of said two physical objects from another one of said two physical objects as claim 21; or wherein one of said two physical objects is a soft bead comprising a pressure sensitive switch as claim 23; or wherein at least one of said plurality of tokens is a soft bead comprising: a pressure sensitive switch, and a scrollable display; or wherein said communication device is operatively associated with said plurality of tokens and responsive to a mechanical state of said plurality of tokens such that a control signal is transmitted to said communication device corresponding to be performed on at least one of said data sets and responsive to at least the other of said data sets, said communication device being programmed to perform said operation as claim 25.

(10) Response to Argument

Applicant states that Claim 1 recites at least two objects "each associated with a respective data set consisting of at least one datum defining preferences of a user." The applicants respectfully submit that Cohen et al. does not show this feature. The interactors of Cohen et al. are used in conjunction with the detection space to define a human/computer interface based on the physical location of the interactors. See col. 5, In. 10-18. Data derived

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from the interaction of an interactor with the detection space is used to control an optional system. See col. 5, In. 55-57. For example, an interactor can be used to represent the user's position in a room in order to control a number of speakers to simulate the effect of the placement of voices within the room. See col. 10, In. 26-39. In another embodiment, the interactors of Cohen et al. are used to mark or log events in videotape based on their location within the detection field. See col. 13, In. 30-55. The interactors of Cohen et al. are therefore used for providing input to an external system on the basis of spatial location, not for "defining preferences of a user." Thus Cohen et al. does not disclose at least two objects "each associated with a respective data set consisting of at least one datum defining preferences of a user," as recited in claim 1.

Examiner respectively disagrees because Cohen et al. disclose in figure 2, a user interface (40) comprising at least two physical objects (see interactors 34), each associated with a respective data set (object 34 and ID, see one or more interactors are engaged with a detection field, the detection field reads an identifier associated with the object and communicates the identifier to a computer system, see abstract) consisting of at least one datum (a plurality of ID, because Cohen et al. disclose one or more interactors 34 and each of them having own ID, and ID is a data. Thus, Cohen et al. disclose a plurality of data that is the same meaning of at least one datum because datum is plural of data, see fig. 2 and 11, see the interactors having own ID, see col. 14, lines 18-25 and see col. 13, lines 29-40) and defining preferences of the user (at computer video system 30, see abstract, see col. 6, lines 1-11, fig. 2).

For the above reasons, it is believed that the rejections should be sustained.

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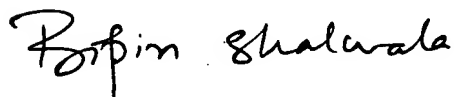
Respectfully submitted,


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